



House of Representatives

General Assembly

File No. 207

January Session, 2001

Substitute House Bill No. 5193

House of Representatives, April 10, 2001

The Committee on General Law reported through Rep. FOX of the 144th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE USE OF BAR CODE SCANNING MACHINES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21a-79 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) For the purposes of this section (1) "consumer commodity" and
4 "unit of a consumer commodity" [shall] have the same meaning as in
5 section 21a-73, except that consumer commodity [shall] does not
6 include alcoholic liquor, as defined in subdivision (3) of section 30-1, or
7 a carbonated soft drink container; (2) "carbonated soft drink container"
8 means an individual, separate, sealed glass, metal or plastic bottle, can,
9 jar or carton containing a carbonated liquid soft drink sold separately
10 or in packages of not more than twenty-four individual containers; (3)
11 "universal product coding" [shall mean] means any system of coding
12 [which] that entails electronic pricing; (4) an electronic shelf labeling
13 system is an electronic system [which] that utilizes an electronic device

14 attached to the shelf or at any other point of sale, immediately below
15 or above the item, [which] that conspicuously and clearly displays to
16 the consumer the unit price and the price of the consumer commodity.
17 Such electronic shelf labeling system reads the exact same data as the
18 electronic cash register scanning system; and (5) an electronic pricing
19 system is a system [which] that utilizes the universal product coding
20 bar code by means of a scanner in combination with the cash register
21 to record and total a customer's purchases.

22 (b) (1) (A) Any person, firm, partnership, association or corporation
23 [which] that utilizes universal product coding in totaling a retail
24 customer's purchases shall mark or cause to be marked each consumer
25 commodity which bears a Universal Product Code with its retail price.

26 (B) Any person, firm, partnership, association or corporation that
27 utilizes an electronic pricing system in totaling a retail consumer's
28 purchases shall provide each consumer with an item-by-item digital
29 display, plainly visible to the consumer, of the price of each consumer
30 commodity or carbonated soft drink container, or both, selected for
31 purchase by such consumer prior to accepting payment from such
32 consumer for such commodity or container. The provisions of this
33 subparagraph do not apply to any person, firm, partnership,
34 association or corporation operating in a retail sales area of not more
35 than ten thousand square feet.

36 (2) The provisions of subparagraph (A) of subdivision (1) of this
37 subsection shall not apply if: (A) The Commissioner of Consumer
38 Protection, by regulation, allows for the utilization of electronic shelf
39 labeling systems; (B) a retailer is granted approval to utilize an
40 electronic shelf labeling system by the commissioner; and (C) the
41 retailer has demonstrated to the satisfaction of the commissioner that
42 such electronic shelf labeling system is supported by an electronic
43 pricing system which utilizes universal product coding in totaling a
44 retail customer's purchases.

45 (3) Consumer commodities [which] that are advertised in a publicly-
46 circulated printed form as being offered for sale at a reduced price for
47 a minimum seven-day period need not be individually marked at such
48 reduced retail price, provided such consumer commodities are
49 individually marked with their regular retail price and a conspicuous
50 sign is adjacent to such consumer commodities, which sign discloses:
51 (A) The reduced retail price and its unit price; and (B) a statement that
52 the item will be electronically priced at the reduced price by the
53 cashier.

54 (4) If a consumer commodity is offered for sale at a reduced price, in
55 accordance with subdivision (3) of this subsection and its electronic
56 price is higher than the reduced price on the sign which is adjacent to
57 the consumer commodity, then one item of such consumer commodity
58 shall be given to the consumer upon demand at no cost. A conspicuous
59 sign shall adequately disclose to the consumer that in the event the
60 electronic price is higher than the reduced retail price, one item of such
61 consumer commodity shall be given to the customer upon demand at
62 no cost.

63 (c) (1) The Commissioner of Consumer Protection may adopt
64 regulations in accordance with the provisions of chapter 54 concerning
65 the marking of prices and use of universal product coding on each unit
66 of a consumer commodity.

67 (2) The Commissioner of Consumer Protection may adopt
68 regulations in accordance with the provisions of chapter 54
69 designating not more than ten consumer commodities [which] that
70 need not be marked in accordance with subdivision (1) of subsection
71 (b) of this section and specifying the method of providing adequate
72 disclosure to consumers to insure that the electronic pricing of the
73 designated consumer commodities is accurate. The commissioner may
74 establish by regulation methods to protect consumers against
75 electronic pricing errors of such designated consumer commodities

76 and to insure that the electronic prices of such designated consumer
77 commodities are accurate. Among the methods [which] that the
78 commissioner may consider are conditions similar to those set forth in
79 subdivision (4) of subsection (b) of this section.

80 (d) The Commissioner of Consumer Protection, after providing
81 notice and conducting a hearing in accordance with the provisions of
82 chapter 54, may issue a warning citation or impose a civil penalty of
83 not more than one hundred dollars for the first offense and not more
84 than five hundred dollars for each subsequent offense on any person,
85 firm, partnership, association or corporation [which] that violates any
86 provision of subsection (b) of this section or any regulation adopted
87 pursuant to subsection (c) of this section. Any person, firm,
88 partnership, association or corporation [which] that violates any
89 provision of subsection (b) of this section or any regulation adopted
90 pursuant to subsection (c) of this section shall be fined not more than
91 two hundred dollars for the first offense nor more than one thousand
92 dollars for each subsequent offense. Each violation with respect to all
93 units of a particular consumer commodity on any single day shall be
94 deemed a single offense.

95 Sec. 2. This act shall take effect October 1, 2002.

GL **JOINT FAVORABLE SUBST.**

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Department of Consumer Protection

Municipal Impact: None

Explanation**State Impact:**

There is no fiscal impact to the Department of Consumer Protection by requiring certain businesses using an electronic pricing system to provide a digital display of each item's price prior to payment.

OLR Bill Analysis

sHB 5193

AN ACT CONCERNING THE USE OF BAR CODE SCANNING MACHINES.

SUMMARY:

This bill requires stores that (1) have a retail sales area of more than 10,000 square feet and (2) use an electronic pricing system, to provide purchasers with plainly visible item-by-item digital price readouts on each consumer commodity and carbonated soft drink container purchased before accepting payment. The law defines an electronic pricing system as one that uses the universal pricing code (bar code), a scanner, and a cash register to record and total a customer's purchases.

Under the bill, a consumer commodity is any food, drug, cosmetic, or other product customarily sold at retail for individual consumption, personal care, or household use. Alcoholic liquor, prescription drugs, and carbonated soft drink containers are not consumer commodities.

Carbonated soft drink containers are individual, separate, glass or plastic bottles, jars, or cartons or metal cans containing a carbonated liquid soft drink sold separately or in packages of up to 24 individual containers.

EFFECTIVE DATE: October 1, 2002

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 17 Nay 0